

# **Bond Case Briefs**

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## **ZONING & PLANNING - CALIFORNIA**

### **McCorkle Eastside Neighborhood Group v. City of St. Helena**

**Court of Appeal, First District, Division 5, California - December 18, 2018 - 31 Cal.App.5th 802 - 42 Cal.Rptr.3d 379 - 19 Cal. Daily Op. Serv. 502 - 2019 Daily Journal D.A.R. 337**

Objectors to proposed development of eight-unit multifamily residential building within city's high density residential district filed petition for writ of mandate, alleging that the city's and city council's approval of resolution granting demolition and design permits to property owner violated California Environmental Quality Act (CEQA) and local zoning laws.

The Superior Court denied petition. Objectors appealed.

The Court of Appeal held that:

- City council did not improperly delegate its decision-making authority to planning commission;
- City council's discretion was limited to design review and did not extend to addressing environmental effects under CEQA;
- Issues addressed during design review process did not require invocation of CEQA review.

City council did not improperly delegate its decision-making authority under California Environmental Quality Act (CEQA) to unelected city planning commission in finding that proposed development of multifamily residential building within city's high density residential district was nondiscretionary project not subject to CEQA or fell within CEQA's infill exemption, though objectors asserted city council improperly limited its scope of review and that municipal ordinances required environmental review of project; planning commission found project exempt and objectors took appeal to full elected city council, city council held full hearing and issued findings, city did act, just not in way objectors hoped, and ordinances did not require city council to consider environmental consequences of project.

City council's discretion in considering proposed development of multifamily residential building within city's high density residential district was limited to design review required by city ordinance, and did not extend to addressing environmental effects under California Environmental Quality Act (CEQA); city ordinance made multi-family dwellings a permitted use within high density residential districts, such that no conditional use permit requiring exercise of discretion was necessary, other city ordinance subjected such multi-family dwelling projects to design review, and CEQA did not apply to nondiscretionary projects.

Issues addressed by city council during design review process of proposed development of multifamily residential building within city's high density residential district under local ordinance did not require invocation of California Environmental Quality Act (CEQA) review, though objectors asserted that project was inconsistent with design of nearby historical homes; design review ordinances prevented city from disapproving project for non-design-related matters, city council determined that proposed project would not result in design-related CEQA impacts, and no environmental impact report (EIR) was required if sole environmental impact was aesthetic merit of building in highly developed area.

